

PATENT
Attorney Docket No. 207324

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:

ALAM et al.

Application No. 10/034,432

Filed: December 27, 2001

For: INDOCYANINE GREEN (ICG)
COMPOSITIONS AND RELATED
METHODS OF USE

Art Unit: 3737

Examiner: Shawna J. Shaw

FAX RECEIVED

APR 29 2005

OFFICE OF PETITIONS

**PETITION PURSUANT TO 37 CFR 1.313(c) TO
WITHDRAW AN APPLICATION FROM
ISSUE AFTER PAYMENT OF THE ISSUE FEE**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully petition for withdrawal of the referenced application from issue under 37 CFR 1.313(c) in order to allow certain prior art to be considered on the merits. The facts in support of this petition follow.

On March 8, 2005, a Notice of Allowance and Fee(s) Due form was mailed by the Commissioner in connection with the above-identified application. On April 6, 2005, applicants forwarded payment of the aforesaid fees to the Commissioner in order to obtain allowance of the application. Subsequently, it was determined that certain references located during a prior art search conducted on the PCT cognate of the application had not been considered by the examiner on the merits. As a consequence, applicants now petition the Commissioner requesting withdrawal of the application from issue so that the aforesaid prior art can be considered on the merits by the examiner.

Should the petition be granted, applicants intend to file a RCE under 37 CFR 1.114, submitting therewith an Information Disclosure Statement (and PTO Form-1449) containing a PCT search report and prior art identified therein not previously considered by the examiner. Copies of these papers are being forwarded with this paper.

For all of the foregoing reasons, applicants respectfully request that the instant petition be granted.

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In re Appln. of ALAM et al.
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The Commissioner is authorized to charge any petition and/or extension of time fees pursuant to 37 CFR 1.17(a)-(d) or (h) (or any other CFR section) associated with this communication and to credit any excess payment to Deposit Account No. 12-1216. A duplicate copy of this petition is attached.

Respectfully submitted,



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Date: April 29, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Petition (along with any documents referred to as attached or enclosed) is being transmitted by facsimile to the United States Patent and Trademark Office, Attention: Petitions, Facsimile Number (571) 273-0025, on the date indicated.

Date: April 29, 2005

A. Urbanik
(Typed or printed name of person transmitting)

A. Urbanik
(Signature of person transmitting)